

STATE OF ILLINOIS)
)
COUNTY OF MCHENRY)

FILED
APR 29 2019
KATHERINE M. KEEFE
MCHENRY CTY. CIR. CLK.

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)

VS.)

NO.: 19ME375

Property commonly known as ComEd easement/right of way, also known as Parcel # 13-30-200-003

COMPLAINT FOR SEARCH WARRANT

Det. Maldonado, complainant now appears before the undersigned Judge of the Circuit Court for McHenry County, Illinois, and requests the issuance of a Search Warrant to search the property commonly known as Property commonly known as ComEd easement/right of way, also known as Parcel # 13-30-200-003 and seize the following instruments, articles and things which have been used in the commission of, or which constitute evidence of, the offenses of Murder, Attempted Murder, Concealing a Death, Battery and/or Assault including but not limited to a human body, blood evidence, DNA evidence, evidence of body parts, any plastic material such as garbage bags, containers used to conceal a body or body parts, gloves, tape, soil samples and any and all other relevant evidence pertaining to Murder, Attempted Murder, Concealing a death, Battery and/or Assault.

The search Warrant includes the removal of any aforementioned material and the submission to a forensic expert for forensic examination.

Complainant states that he has probable cause to believe, based upon the following facts that the above listed things to be seized are now located upon the premises as set forth above:

Please see attached Affidavit of Detective.

E. Maldonado #1713

Complainant

Subscribed and sworn to before me

this 24 day of April 2019

Charles J. [Signature]
Judge

STATE OF ILLINOIS)
COUNTY OF MCHENRY)

MR

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

AFFIDAVIT

Now before me, the undersigned authority, personally came and appeared, Detective Edwin Maldonado of the McHenry County Sheriff's Department, known to me to be the person whose name is subscribed to the foregoing instrument, who after being first duly sworn, did depose upon oath state as follows:

1. That I, Edwin Maldonado, hereinafter affiant, am currently assigned as a Detective with the McHenry County Sheriff's Police. I have been so assigned as a Detective since November 2006. My current responsibilities involve the enforcement of the Illinois Criminal Statutes including but not limited to the offenses of Murder, Attempted Murder, Battery, and Assault.

Prior to my assignment as a Detective, I have been employed as a Deputy with the McHenry County Sheriff's Police since July 2003. I attended the Illinois State Police academy in Springfield Illinois (July 2003); that training lasted twelve (12) weeks. The Affiant training includes successful completion of the following courses: Eighty hours (80) of Accident Investigation-1 (February 2005), forty hours (40) class in Basic Evidence Technician Program (March 2005), Eighty hours of Highway Traffic Safety Program (Primary Police Motorcycle Training September 2005); Twelve Units of the Police Law Institute Computer Based Legal Training Program (January 2006), Eighty hours (80) of Technical Crash Investigation (May 2006), Eight hours (8) of Mobile Field Force Concept (June 2006), Twelve Units of the Police Law Institute Computer Based Legal Training Program (January 2007), Forty hours (40) Juvenile Specialist Skills Program (April 2007), Forty hours (40) Investigating Computer Facilitated Crimes Against Children Training (April 2007), Twenty four hours (24) of the Reid Technique of Interviewing and Interrogation (June 2007), Eight hours (8) of the Advance Reid Technique of Interviewing and Interrogation (June 2007), Twenty one hours of the Corner House On-Site Child Sexual Abuse Forensic Interview Training (June 2007), Six and half hours (6.5) of Child Abuse: Developing a coordinated Multi-Disciplinary Community Approach (October 28, 2010), Sixteen hours (16) of Death Investigation 1 (March 23rd, 2010), Forty hours (40) Homicide Investigations (January 17th, 2011), Eight hours (8) NCMEC Protecting our Children (April 8th, 2011) Eight hours (8) of Synthetic Drug Training (December 13th, 2011), Eight hours (8) of Verizon Wireless Telecommunications Work Group (April 19th, 2012), Forty hours (24) of Outlaw Biker Investigations (April 24th,

2012), Sixteen hours (16) Arson Investigation Basic Crime Scene Skills (October 17th, 2012), Forty hours (40) of Lead Homicide Investigator (January, 2012), Twenty Four hours (24) of Mental Health Assessment and Response Training for Law Enforcement Officers March 12th, 2013, Thirty two hours (32) of Illinois Crisis Negotiators Association training (April 23rd, 2013.), Sixty hours (60) of Digital Voice Stress Analysis (January 22nd, 2016), Eight hours (8) Mental Health First Aid (February 9th, 2016), Forty hours (40) of Crisis Intervention Team (January 23rd, 2017), Sixteen hours (16) Aquatic and Homicidal Drowning Investigation (January 23rd, 2018), Sixteen hours (16) Illinois Homicide Investigators Association Conference (October 8-10, 2018).

2. Through information I obtained from the Crystal Lake Police Department, Agent from the Federal Bureau of Investigations and through my own involvement in this investigation and other members of the police departments, I have learned the following information.

3. On 04/18/2019 at about 0900 hours, the Crystal Lake Police were dispatched to 94 Dole Avenue reference a missing five-year old child, who was identified as Andrew T. Freund "AJ". (DOB 10-14-13). While en route Crystal Lake Patrol Units were informed by dispatch Andrew T. Freund was last seen at approximately 09:00 P.M. on 04/17/2019 by his parents, Andrew Freund and Joann Cunningham. It was learned the child was seen by his parents, Andrew Freund and Joann Cunningham, when they put him to bed on 04/17/2019, and discovered him missing on 04/18/2019 at approximately 08:15 A.M. Upon Police arrival at the home, the residents granted Officers access to the house to check for the missing child. Through the Officers checking of the house, they did not locate any signs of forced entry or signs the child left the house on his own. However, the parents of the child could not recall if they locked the doors to the house.

4. While checking the residence, the interior was found to be in a hoarder like condition, in particular the basement area, where there were numerous full garbage bags stacked upon each other. Several of the garbage bags were checked and wet refuse was located inside of them. Along with the garbage bags, there was numerous other household debris piled up throughout the entire house. The exterior of the house had numerous bags and other items stacked up against the rear of the detached garage. The interior of the garage was for one car space and was completely filled with piles of refuse and other items stacked from the garage floor to the ceiling.

5. There were two vehicles parked in the driveway, where a child could hide or have entered to avoid the outdoor elements. A police contact history check was completed using the Crystal Lake Police database, and numerous prior police contacts were located for 94 Dole Avenue and the child's parents, Andrew Freund Sr. and Joann Cunningham. A majority of those police contacts were well-being checks and domestic violence related. Andrew Freund and Joann Cunningham are also known and self-admitted prior narcotics abusers.

6. Several agencies responded to the address with tracking and searching K-9 units to assist in locating the child, and after a search they advised Officers on scene their K-9s did not locate a scent leading outside the house. The K-9 Handlers told Officers due to their dogs' reactions, they did not believe the child walked away from the home.

7. Furthermore, after Andrew Freund signed a consent form to search his cellular phone, a forensic analysis was conducted on Andrew Freund's cellular phone. During the forensic analysis of Andrew Freund's cellular phone a Google search for child CPR was found on 04/15/2019. Also found was a picture of a shopping list that was taken on 04/17/2019. Several items of note on the shopping list were duct tape, plastic gloves, air freshener, and bleach.

8. While Andrew Freund's cellular phone was being analyzed, a search warrant signed by Judge Meyer was being executed at 94 Dole in an effort to locate Andrew T. Freund. During that search a pair of red and black men's size 11 Nike brand gym shoes with "dripping wet mud" on the bottom were seized. The shoes were later sent to Quantico, VA FBI Head Quarters for the mud to be examined.

9. During the execution of the search warrant, Officers on scene located a white garbage bag in the dining room along the west wall. Officers located inside the garbage bag white laundry that was wet and smelled heavily of bleach. Officers also located a large empty bleach bottle in the kitchen garbage can. The Officers located three other empty bleach bottles in a brown garbage with a green lid on the south side of the garage.

10. As Officers continued to search 94 Dole they located a Lenovo lap top computer (Model#2842FBU) and a roll of duct tape in the closet of the bedroom on the second floor on the southeast side of the house.

11. Other agents assisting with the investigation downloaded and examined the contents of Drew's iPhone pursuant to written consent and a search warrant, and found an image of a handwritten shopping list, which included bleach, gloves, and duct tape, among other items. The timestamp of the image of the shopping list was dated The investigators who had examined Drew's phone had also found a search history from Monday, 4/15/19 at approximately 3:17am in which there were several searches conducted in quick succession. There were several consecutive searches for "child cor" and ultimately for "child cpr."

12. During the day of 4/18/19 I interviewed Andrew "Drew" Freund, the father of the missing child as a victim and witness over the course of several hours. CLPD Det. Eitel was on a fact-finding mission and asked questions to try to piece together a timeline of both Drew's recent activities and his son's and other family members. During that prolonged conversation Drew explained on the evening of 4/17/19 he returned home from work at approximately 7:20PM and hung out with both his sons. He said Joann directed him to go to Jewel to purchase some household items at approximately 9:00PM. Drew described those household items, which differed from the list ultimately found later (see above). Drew said he returned home around 9:30PM. Drew said he and Joann then put AJ to bed after brushing teeth, washing hands, and saying prayers. Drew then told me he went to a doctor's appointment in Elgin at 6:30AM on 4/18/18, and when he returned home was when he noticed AJ was not in his bedroom. Two FBI agents followed up at the doctor's office to confirm Drew had been there. Once there they spoke with [REDACTED] who confirmed Drew had been there. [REDACTED] said when she checked Drew out and asked if he would like a receipt, Drew accepted and commented to her something to the effect of, "The lawyer in me thinks I need a paper trail." That this refreshed Det. Eitel's memory of an interaction he had with Drew while interviewing him during the day of 4/18/19. When Det. Eitel asked him about his doctor's appointment being at 6:30AM he confirmed that was true and then offered to show Det. Eitel a card from the office, being the Mather's Clinic, and that it displayed his next upcoming doctor's appointment. Det. Eitel looked at the card and thanked him for showing it, but he commented that Det. Eitel should make a copy of the appointment card and include it with the case. When looking back on the comment, and Drew's officiousness with dispensing case management advice to Det. Eitel, it struck Det. Eitel as suspicious in light of the additional information learned.

13. On the night of 4/18/19 Agent Young of the FBI and Det. Eitel interviewed Drew. In the interview Drew was confronted about a shopping list he had taken to the Jewel grocery store on 4/17/19 at approximately 9:00PM. When asked in the interview to recite the items on the list, and the items he actually purchased, Drew ran through the list twice and left "gloves" and "duct tape" off his recollection of the list. Through normal interviewing techniques it was indicated to Drew that the investigators interviewing him had seen the list and wanted him to be complete and truthful in his recitation of the items. After failing to add the missing items, one of the interviewing investigators asked Drew directly if he purchased gloves. Drew confirmed he did, and in the same statement seemed to immediately remember the purchase of tape. Drew initially said he purchased "cellophane" tape, for the purpose of hanging pictures. Drew later admitted it was duct tape he purchased, and he said he bought that instead of "cellophane" tape because he considered duct tape to be more "utilitarian." He said he needed duct tape to fix a broken vacuum cleaner, but then also said his children's mother, Joann, used the duct tape to hang pictures. Drew had also said he purchased batteries on that shopping trip, because a toy castle belonging to his sons required them.

14. Agent Young and Det. Eitel asked Drew what the gloves were for. Drew said Joann used the gloves for cleaning. He was asked if the gloves had been used since he returned home at approximately 9:30pm and his son was reported missing early the following morning. Drew said those gloves had been used. Drew also said Joann would use the bleach to clean the bathroom and laundry. Drew said his family goes through approximately 1 gallon of bleach every week. During the interview Agent Young and Det. Eitel pointed out 1 gallon of bleach per week seemed like a lot of bleach.

15. Drew was asked about the middle of the night searches for child cpr, without being fed the actual substance of the search. Drew said he wasn't up at that time searching anything, and offered that Joann may have had access to his phone and that she had been thinking of searching "cpr for babies" in anticipation of her coming child with which she is presently pregnant. (It should be noted this child is the offspring of another man.) We asked Drew why Joann would use Drew's phone for such a search at such a time, and why she would look this topic up after already having had two children and successfully raising them to their present ages. Drew did not have explanative answers to these questions.

16. During the interview Drew also explained that AJ's mother believed AJ had oppositional defiance disorder, ODD. Drew explained AJ thinks of himself as the leader of the home and therefore he is defiant to his parents, lies, disobeys, and thinks things should go his way. Drew explained that, yes, he and Joann lock AJ in his room at night because sometimes he gets out throughout the house. Drew also said sometimes AJ has disciplinary timeouts of a whole afternoon locked in his bedroom. When asked what causes AJ to be punished in that manner, Drew answered hypothetically. I told Drew to tell us about a specific time

AJ was punished by being locked in his room for 5 hours. Drew explained that a short time ago Joann had asked AJ to wash dishes and that AJ did not do a very good job, despite having been instructed the proper way to clean dishes. Drew said this minor infraction was compounded by the fact that AJ then lied about some aspect of his dishwashing performance. Specifically, Drew explained that AJ stacked the dishes improperly and when asked why he didn't stack the dishes correctly AJ told his parents that he wasn't the one who stacked the dishes at all. Drew explained it was this overt lying that was so egregious and needed to be punished and addressed.

17. During the interview Drew was asked about his family's activities on the previous weekend. Drew explained that Joann had stayed the night at a hotel with P.J., their youngest son, and left AJ home with Drew. Drew said on Saturday he took AJ to work with him, having caught a train around 6:00AM Saturday morning to arrive to his work by 9:00AM, and then leaving work by 1:00PM. Drew said that there were two of his coworkers at his place of work, but that neither of them would have seen AJ because Drew had directed AJ to go into a different door away from where the other coworkers would see AJ. Drew said when he left his work he had AJ go out a different door, Drew having to use the original door so he could clock out of work. We asked Drew how he could rely on AJ to follow Drew's instructions at this surreptitious entrance and exit, if AJ couldn't be trusted to properly stack dishes or remain in his room. Drew said "that time he obeyed."

18. On 4/19/19 Drew's other young son, P.F., was interviewed at the McHenry County CAC. During that interview P.F. said he was told by his mom that AJ had "fell down the stairs and had a lot of owies," and also that this occurred to AJ while P.F. was sleeping. This information, combined with the middle of the night searches for child cpr, based on this affiant's training and experience, is suspicious, and Drew's answers to questions surrounding these issues are indicative of deception and dishonesty. P.F. also told interviewer that he was instructed by his parents to not talk about AJ.

19. On 4/20/19 two other FBI agents interviewed Drew. During that interview Drew was again asked about his uses of duct tape. During that interview Drew said one could use duct tape for a lot of things, and one of the things he mentioned using it for was to duct tape a Rubbermaid type tote shut. I remembered during my initial search of the basement of the home that I had seen several of these types of totes, at least two of them being large enough to contain a 5 year old child. However, during that search and review of the totes, neither of them contained a body, and neither had duct tape on them.

20. The forensic examiner who examined both Drew's and Joann's phones located some other interesting records. The examiner found that Drew had no record of text messages contained on his device between his device and Joann's device. The examiner also found that Joann had text messages contained on her device between her device and Drew's device, but only since approximately 7:00AM on 4/17/19. The examiner also found that Joann text messages from her device between her device and a device with telephone number [REDACTED] belonging to [REDACTED], but only since approximately 6:15AM on 4/17/19. It was learned that [REDACTED] is a very close friend to Joann Cunningham. Contact and call detail records were obtained for Joann's cell service provider and it was found there were at least 23 contacts on 4/11/19, 15 contacts on 4/12/19, 19 contacts on 4/13/19, and 31 contacts on 4/15/19 that were not present on Joann's device. This is indicative that those records and data were deleted from Joann's device.

21. On 4/22/19 a search warrant was executed on [REDACTED] cellular phone. On that was found text messages between her device and Joann's device that were not present on Joann's device, as if they'd been deleted. In some of those text messages present on [REDACTED] phone but not on Joann's, Joann had sent messages to [REDACTED] on 4/16/19 in which she complained about AJ as not getting better from what she had previously self-diagnosed or likened to oppositional defiance disorder (ODD). This reference and idea of ODD is corroborated by statements made to Det. Eitel at the home on 4/18/19 and made by Drew in several interviews.

22. On 4/23/19 a Crystal Lake detective received a response from Apple in reference to a search warrant for data belonging to Joann. In the deleted files section of the response was located a video dated as last modified 3/4/19. In that video, which was approximately 2 minutes long, AJ is seen laying on a bare mattress in a crib in a room I recognized to be his bedroom from 94 Dole Ave. In the video a female with a voice consistent with Joann's is holding the phone and videotaping. She is berating AJ for urinating on his bed. AJ is seen to naked except for some small bandages around both wrists and circling his hips. AJ is seen to be holding an ice pack to his face and when he removes it he is seen to have deep red bruising around his eyes, and yellowish-greenish bruising around his neck and upper chest. It did not appear from the video that AJ received professional medical attention. From the information known at this time it is not believed AJ was brought to any medical treatment facility.

23. On 4/24/19 at approximately 0240hrs Drew was interviewed by FBI Special Agent Landau and Det. Eitel. During that interview Drew was shown the above video. He said the injuries seen in the video were caused by Joann. Drew also said that he believed AJ died on Monday morning after spending a prolonged time in a cold shower. Drew explained he wanted Joann to stop with the hard physical beatings and do some less violent form of punishment. Drew

said cold showers was decided. Drew said on or about Sunday, 4/15/19, AJ had lied about soiled underwear and he was subjected to a cold shower. Drew said he helped AJ out of the shower after he'd been in there for approximately 20 minutes, and put AJ to bed "cold, wet, and naked." Drew said Joann got up and checked on AJ and that was when she got Drew and she used Drew's phone to search for child CPR. Drew advised at some point that he believed that AJ had died. Drew said the next day he took AJ's body to the basement and stored him in a tote. He said on the night of 4/17/19 he placed Andrew inside of several trash bags, placed the body in the trunk of his car, and drove him to an area in Woodstock. Drew said he dug a shallow grave for AJ, placed him in it, covered it with straw, and left.

24. Drew rode with investigators and directed them to the shallow grave in the area of commonly known as 4119 Dean Street Woodstock Illinois, also known as Parcel # 13-30-226-001. The property is a vacant undeveloped parcel on the Westside of Dean Street. There Investigators found an area on the ground consistent with the grave Drew described. The area in which Drew described he buried the victim is situated north of the driveway commonly known as 4119 Dean Street and adjacent to ComEd utilities towers commonly known as parcel # 13-30-200-003 and also adjacent to 4101 Dean Street also known as parcel # 13-30-200-002

25. That through my training and experience I have learned that when children are reported missing and the circumstances suspicious, such as they are in this case, that the chances of locating the child alive are very low. I also know through my training and experience that perpetrators of violent crimes will continue to take steps to conceal evidence of their crime, or will visit locations associated with the crime or the victims, or will communicate with coconspirators for the purpose of committing further crimes or covering up previous crimes. Based on the above information there is probable cause to believe AJ was the victim of a violent crime, and that Drew Freund and Joann Cunningham have knowledge of this and are likely involved in the cleanup and concealment of evidence. There is probable cause to believe there is evidence of a crime located in 4119 Dean Street Woodstock Illinois, also known as Parcel # 13-30-226-001.

26. Based on the foregoing facts and circumstances and your Affiant's training and experience, it is your Affiant's belief that evidence of the offense of Murder, Attempted Murder, Concealing a Death, Battery and/or Assault including but not limited to a human body, blood evidence, DNA evidence, evidence of body parts, any plastic material such as garbage bags, containers used to conceal a body or body parts, gloves, tape, soil samples and any and all other relevant evidence pertaining to Murder, Attempted Murder, Concealing a death, Battery and Assault may presently be found in the locations as described in the Complaint for Search Warrant herein.

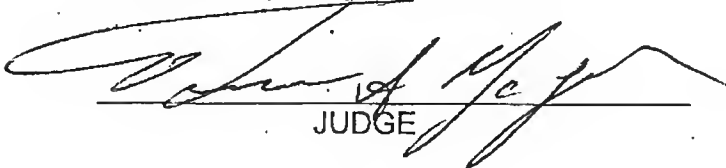
Wherefore, your Affiant prays for the issuance of a Search Warrant consistent with the Complaint for Search Warrant herein.

FURTHER AFFIANT SAYETH NOT



DETECTIVE EDWIN MALDONADO
AFFIANT

Subscribed & Sworn to before me
This 24th day of April, 2019.


JUDGE